



**“The City With a Heart”**

Larry Franzella, Mayor  
Jim Ruane, Vice Mayor  
Ken Ibarra, Councilmember  
Irene O’Connell, Councilmember  
Chris Pallas, Councilmember

## **MINUTES**

### **CITY COUNCIL REGULAR MEETING**

### **June 28, 2005**

#### **THIS IS TO CERTIFY THAT:**

The San Bruno City Council met in regular session on June 28, 2005, at 1555 Crystal Springs Road (Senior Center) and the meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

**1. ROLL CALL:** Presiding was Mayor Franzella with Councilmembers Ruane, Ibarra, Pallas, and O’Connell. Recording by City Clerk Simon. Director of Cable TV Tenzin Gyaltzen lead the **PLEDGE OF ALLEGIANCE**.

#### **PRESENTATIONS:**

- a. Mayor Franzella** presented a proclamation declaring July 2005 as **“Parks and Recreation Month”** to Director of Parks and Recreation Services Larry Mazzuca.

**Mayor Franzella** announced that Saturday July 23, 2005, will be free swim day between the hours of 1 to 4 p.m. Staff members will provide hot dogs and drinks for the public.

**Councilmember Ibarra** said there is much activity in City Park and it is exciting to see so many young people using the park.

- b. Mayor Franzella** presented a Certificate of Recognition and **30-year Service Pin** to Terry Jackson, Library Services Director and Interim Community Development Director.

**Mayor Franzella** said this is a very special presentation for an employee and a good friend who always performs in an excellent manner and it is his honor to present this certificate and pin tonight.

Director Jackson said these past 30 years reflect her commitment to the San Bruno Community. Many of the Library staff members were present and she thanked them for attending.

#### **ANNOUNCEMENTS:**

- a. Mayor Franzella** and Councilmembers reminded the public that **“San Bruno Has Zero Tolerance”** of illegal fireworks. San Bruno Cable TV, channel 11 is running public service announcements.

Fire Chief Voreyer said Fire Captain Don Epperson and Police Corporal Howard Hoyer held 28 school assemblies. Steve Firpo from CATV has put out public service announcements and the Capuchino Video Production Team developed a video, which was shown at Capuchino High School, Peninsula High School, and Parkside Junior High.

Police Chief Violet reported that enforcement has been stepped up and 6 individuals have been arrested either using or possessing illegal fireworks. Over 30 residents with past history of problems have been contacted. Many alleged they thought it was legal to use any type of fireworks in San Bruno.

The Council was shown a copy of the Public Service Announcements.

Mayor Franzella thanked both the Fire & Police Departments for doing such a good job on the public education program.

**b. The San Bruno Redevelopment Agency** meeting follows tonight's City Council meeting.

**2. REVIEW OF AGENDA:** Mayor Franzella moved up item 12. b. The Gaming Club Council Ad Hoc Committee recommendation to be heard after item 5. b.

**3. APPROVAL OF MINUTES:** City Council meeting minutes of June 14, 2005, were approved with one amendment requested by City Attorney Thompson on page 3 of 6 to show with the City Council adopting Option 1, the resolution was amended to add the word continued use, sale, or discharge of Safe & Sane Fireworks. A clerical error had left the word continued off the staff report copy of the resolution. It was agreed by unanimous consent that this was the intent of the City Council to add the word continued on Resolution number 2005-048.

**4. CONSENT CALENDAR:** All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by Councilmember, citizen or staff.

**a. Approve: Payroll** of June 17, 2005.

**b. Approve: Accounts Payable** of June 6, 2005. (Council Packets Only, copy is available for review at the City Clerk's office.)

**c. Accept: Reconciliation of General Ledger** to bank reports and the **Investment** reports dated May 31, 2005, by City Treasurer Karen Hornung.

**d. Accept: Resignations** from Bicycle and Pedestrian Committee member **James Craib**, Culture & Arts Commissioner **Brian Fearon**, Community Preparedness Committee member **Helen DuBois**, and Parks & Recreation Youth Representative **Roxanne Hannan** and direct the City Clerk to post a Notice of Vacancy.

**e. Adopt: Resolution** authorizing the San Mateo County Flood Control District to impose basic and additional charges for funding the expanded scope of work for the 2005-06 Countywide **National Pollutant Discharge Elimination System (NPDES)** General Program.

**f. Adopt: Adopt** a resolution approving the City's appropriations limit of \$24,439,626 for FY 2005-06 (**Gann Initiative**). This annual calculation for the appropriations limit is a requirement of Article XIII B of the California Constitution. Documentation used in determining limit has been available for review in the City Clerk's office.

**Councilmember Ibarra** pulled item 4.d. for discussion.

**M/S Ibarra/Ruane** to approve the remainder of the items and passed by unanimous vote.

**Councilmember Ibarra** said regarding 4.d., he wants to encourage all citizens who have applied in the past to come forward and volunteer. He thanked the four committee members leaving office for their service to the City.

**M/S Ibarra/O'Connell** to approve item 4.d. and passed by unanimous vote.

**5. PUBLIC HEARINGS:** (Notices have been published, posted, and/or mailed as required.)

- a. Hold public hearing and waive first reading of an ordinance approving a **3.386% rate increase** requested by San Bruno Garbage Company for FY 2005-06 to be effective on September 1, 2005. Increase amounts to \$ .72 for 32-gallon residential totter or total of \$18.34 monthly.

Finance Director O’Leary gave the staff report to the City Council. The last adjustment was on July 2003.

**Councilmember Ibarra** said in effect, it is a rate increase of 4.063% because we need to collect the increase allowed in 10 months instead of 12 months. Director O’Leary replied yes, because we will not be able to start the billing of new rates until 9/1/2005.

**Mayor Franzella** opened the public hearing and asked if anyone wished to address the Council on this item; however, no one wished to speak.

**M/S Ruane/Ibarra** to close the public hearing and passed with a unanimous vote.

**Vice Mayor Ruane** made the motion to waive the first reading and second by **Councilmember Ibarra** and passed with a unanimous yes vote.

**Vice Mayor Ruane** introduced the ordinance for adoption with a roll call vote of all ayes.

b. Hold public hearing and adopt fiscal year **2005-06 Budgets.**

(1.) Adopt resolution approving the City Manager’s **General Fund, Special Revenue Funds, and Enterprise Funds Budget** for 2005-06.

City Manager Jackson gave a summary format of the General fund, Special Revenue Funds, Redevelopment Agency, and Enterprise Funds. The complete budget document is available for review at the Library and City Clerk’s office and can be purchased for a nominal fee. The General Fund Budget proposed has revenues of \$28,199,084 and expenditures of \$28,750,993 leaving an operating deficit of \$551,909. A one-time transfer from reserves of \$685,000 plus a beginning surplus balance of \$161,000 will leave an ending balance of \$19,391. These amounts include service level enhancement expense of \$274,700, to be used to achieve the City’s Priority Focus. The Redevelopment Agency Budget, unlike prior years, will have a lower borrowing need.

Finance Director O’Leary reviewed the Enterprise funds made up of Water, Wastewater, Storm water, and Cable TV funds. Service level enhancements include a position for a Water Resources Manager and changes to the billing production and mailing by contracting with a third party.

City Manager Jackson said there are issues with the Wastewater Treatment Plant in South San Francisco as we are joint owners and need to play a larger role in controlling expenses from operations.

**Mayor Franzella** opened the public hearing; however, no one wished to address the Council.

**M/S Ruane/O’Connell** to close the public hearing and passed by unanimous vote.

**Councilmember O’Connell** said under the Park & Recreation budget a correction needs to be made to detail San Bruno Avenue and College Drive for entryway improvements. The High School District was to fund the school resource officer, what has changed?

Director O’Leary replied that the School District will only fund 33% for three years and as part of the enhancements program the City will fund the difference.

**Councilmember Ibarra** said he is very pleased with the budget document presented. The enhancement measures are legitimate and will enable us to treat our residents better and provide services such as DARE, School Resource Officer, Fire personnel, Code Enforcement, sidewalk repair, and new computers for the Library.

**Vice Mayor Ruane** introduced the resolution for adoption with a roll call vote of all ayes.

**Mayor Franzella** thanked the staff for the budget presentation. He said this year's budget was laid out in a very precise order and was easy to follow and understand.

(2.) Review **Community Promotions** funding requests for 2005-06 and consider allocations as requested by community organizations.

**Mayor Franzella** said the City has received six requests for funding this year and none were funded last year. There is a total of \$10,000 allocated in the 2005-06 General Fund Budget.

**Tammy Del Bene** representing the Chamber of Commerce said the San Bruno Chamber has made a request for \$25,000 for next year. In order to support the ongoing programs and keep the very successful programs in place, the City's Support is needed and any amount of funding would be appreciated.

**Councilmember Ibarra** asked how the Chamber was able to operate last year since the City was unable to fund any money towards its operation? Ms. Del Bene replied that income from dues and member-sponsored events helped the Chamber maintain status quo. This year a new Directory was produced and was a large expense. None of their events lost money and membership grew by 10%. The Chamber does not want a "hand out", only a helping hand.

**Mayor Franzella**, said with the City continuing to have a deficit, he does not see how we can fund any of these organizations. The Chamber does some good for the City and he feels they should come before the Council with specific projects for funding in order to determine the cost benefits. \$25,000 should not be funded without proper controls.

**Councilmember Ibarra** said to say we are not going to allocate \$25,000 tonight does not mean we will not help the Chamber. He will push to help fund them throughout the year.

**Councilmember O'Connell** said being a small organization, depending solely on membership dues, makes it difficult to advertise events. She would offer \$5,000 now for the expenses of the Business Directory and in six months, the President can return and request additional funding as needed. **M/S O'Connell/Ibarra** to approve a \$5,000 allocation.

**Councilmember Pallas** presented an amendment to the motion, a successful Chamber makes money for the City, he would like the amount to be \$12,500 as funded in 2003. The amendment failed for a lack of approval by the maker and second of the motion.

**Councilmember Pallas** asked how much money was in the Culture & Arts Commission fund? The reply by Director O'Leary was \$69,000 as of the end of May 2005. Councilmember Pallas said we tax residents for art projects but won't help the Chamber. The City does not fund Project Pride for the annual Halloween Parade and Easter Egg Hunt. Why aren't we using some of the Art Fund money to help out?

**Councilmember Ibarra** said he appreciates Mr. Pallas trying to increase the funding for the Chamber. The Chamber has produced a directory this year and several successful events. The art fund has nothing to do with this request.

**Councilmember O'Connell** called for a vote on the motion with yes votes by Ibarra, Pallas, and O'Connell and no vote by Mayor Franzella and Vice Mayor Ruane. Mayor Franzella said he voted no

because he is not comfortable giving \$5000 without a work program before him so he can properly judge what we are paying for. **Vice Mayor Ruane** said he was voting no for the same reason.

**Mayor Franzella** moved up item 12.b., which is the Gaming Club Council Ad Hoc Committee (Franzella/Ibarra) recommendation on Artichoke Joe's Casino request for continuation of the reduced number of authorized tables subject to City Tax.

**Councilmember O'Connell** asked Casino Manager Ron Cox if Artichoke Joe's is doing advertising and offering shuttle service to increase customer patronage? Mr. Cox replied that they use advertising in the San Francisco newspapers but do not offer a shuttle service.

**M/S Pallas/Ruane** to approve the extension request for the reduced number of tables and passed by unanimous vote.

#### **6. UNFINISHED BUSINESS: None**

#### **7. CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACT.**

- a. Parks and Recreation Services Director Mazzuca recommended the City Council Adopt Resolution Approving Contract with **Area Agency on Aging** for Senior Center Programs.

**Vice Mayor Ruane** introduced the resolution for adoption with a roll call vote of all ayes.

- b. Cable TV Director Gyaltsen recommended the City Council authorize the City Manager to execute a site-lease agreement with New Cingular Wireless PCS, LLC to construct and operate a **wireless communication site at San Bruno Water Tank #1** on Cunningham Way.

Director Gyaltsen gave the staff report and indicated the lease agreement includes conditions agreed upon at the appeal hearing of March 15, 2005. First, a pine tree monopole will be installed; second, Cingular will provide quarterly RDF transmission reports, third; soil erosion concerns will be dealt with during the permit process. The lease agreement requires a \$5,000 processing fee and payment of \$2,500 per month with a CPI increase annually.

**M/S O'Connell/Ibarra** to approve the lease and passed with a unanimous vote.

#### **8. COMMUNICATIONS: None**

#### **9. STAFF REPORTS:**

- a. Fire Chief Voreyer recommended the City Council adopt a resolution amending the Joint Powers Agreement establishing the **San Mateo Pre-Hospital Emergency Services Providers Group**.

Fire Chief Voreyer gave the staff report.

**Councilmember O'Connell**, the City's representative on the Joint Powers Board recommended approval because adding fire prevention services just makes good sense.

**Councilmember Ibarra** introduced the resolution for adoption with a roll call vote of all ayes.

- b. Fire Chief Voreyer recommended the City Council authorize **installation of Digital Television Service** at Fire Station 51 and Fire Station 52.

Fire Chief Voreyer gave the staff report and recommended expansion of the cable service to both fire stations.

**Councilmember Pallas** asked why digital TV is needed at the firehouses? Chief Voreyer said the firefighters are allowed to watch TV during their lunch hour and after their shifts.

**Councilmember Pallas** asked why regular TV reception was not good enough and who will pay? Chief Voreyer replied that the fire stations can monitor reception on a 24 hours basis and if there is a problem they can report it. The cost would only be for a new box. The City provides one TV at each station and the firefighters pay for any additional sets needed.

**M/S Ibarra/Ruane** to approve expansion of digital TV service to both fire stations and passed with a vote of Ibarra, Ruane, Franzella, and O'Connell yes and Pallas no.

#### **10. REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None**

#### **11. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:**

No one wished to address the City Council.

#### **12. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:**

- a.** Received report from Robert Riechel on **Mosquito Abatement District** activities.

Mr. Riechel as the City's trustee on the Board of Directors of the San Mateo County Mosquito Abatement District reported on recent activities. He and others visited legislators in Sacramento on important funding issues. He has met with Stuart Dake, Integrated Pest Management Coordinator for the San Francisco International Airport as preparations were made to spread Biological Larvicide pellets into the tulle area to the east and south of San Bruno Cal Train parking lot and along Highway 101. Helicopters must be used to force the pellets down into the water.

**Councilmember Pallas** said he had heard that eating bananas would attract mosquitoes.

**Mayor Franzella** thanked Councilmember Pallas for the tip and thanked Mr. Riechel for all his hard work on behalf of the City.

- b.** Received and approved the **Gaming Club Council Ad Hoc Committee (Franzella/Ibarra)** recommendation for Artichoke Joe's Casino request for continuation of the **reduced number of authorized tables** subject to City Tax and maintain the tax amount at \$1,310,900 for FY 2005-06. Amount includes 2% CPI adjustment per San Bruno Municipal Code Section 3.16.080.

(This item had been taken up earlier after item number 5. Public Hearings.)

- c.** Beautification Task Force Committee (**O'Connell**) announced details for the 2005 City of San Bruno Beautification Award Program.

**Councilmember O'Connell** reported that the 2005 Ninth Annual Beautification Awards Program is underway. Deadline for submittal of a nomination form is Friday, August 19, 2005. Forms will be available on line, at the Senior Center, City Clerk's office, Library, and Planning and Building Department. Categories will include Single-Family residence curb appeal, Group projects, Commercial property, improved Residential Property, Xeriscape landscaping, and other if the property does not fit into any other category.

**Councilmember O’Connell** reported that Goodwill Industries would accept old computers, TVs, and cell phones working or non-working with no charge. She requested the City Clerk put the list on the CATV Channel 11 message board.

**Councilmember O’Connell** reported that the City received funds from the CA Redemption Center for containers, which ended up in the landfills. These funds were used to purchase 35 banners to be placed on San Mateo Avenue, which encourages residents to recycle and has the motto “Plant Pride Not Litter”.

### **13. NEW BUSINESS:**

- a. Councilmember Pallas** requested City Council consider action to **regulate dangerous animals.**

**Councilmember Pallas** said with all the recent articles in the newspapers regarding injuries and deaths from Pit Bull attacks, he wants to know what can be done to protect our citizens? He has received many calls from citizens who are scared. If he could do it, all new Pit Bulls would be banned and all existing ones neutered or spade.

Chief of Police Violettt said Senator Jackie Speier has introduced legislation, which would allow Cities to pass breed specific legislation. If successful, the City can regulate the length of a leash or require breeds to be spade and neutered. San Bruno has 5 dogs, which have been listed as dangerous. Richard Gordon, President of the San Mateo County Board of Supervisors has formed an Ad Hoc Committee to look into dangerous animals. 95% of all bites by dogs are from those, which have not been neutered or spade. Chief Violettt said if citizens are concerned about a particular dog being dangerous they should call the Peninsula Humane Society direct or the San Bruno Police Department.

**Councilmember Pallas** ask if the City could inspect the residents of Pitt Bull owners to make sure they are kept in a secure location? Police Chief Violettt said no, current law does not allow the City to take action against specific breeds. He would encourage the City to support a countywide program, which could be managed by the Animal Control Services.

**Councilmember Ibarra** asked the Police Chief if the number of 5 dangerous dogs is accurate? The Police Chief replied that only one half of the dogs are even licensed. He would encourage the City to support the San Mateo County Supervisors task force.

**Mayor Franzella** said it wasn’t long ago when a couple of Pitt Bulls from San Bruno went into Millbrae and injured another dog. The City has already begun the process and needs to encourage Supervisor Gordon to move forward with his task force and come up with regulation for dangerous animals.

**Councilmember Pallas** said the citizens are scared and they need to know we are doing something to protect them. It was agreed to have a letter sent to Rich Gordon, SMC Board President, to encourage moving forward as quickly as possible on new regulations for dangerous animals.

- b. Consideration to cancel the second City Council meeting in August.**

**M/S Ruane/Pallas** to cancel the second City Council meeting in August and passed by unanimous vote.

**Mayor Franzella** recessed the City Council meeting at 8:30 p.m. and called the Redevelopment Agency Meeting to order.

At 8:50 p.m. the City Council was reconvened and Mayor Franzella reported the Council was going into closed session for the following two items and that there would be no reportable action on either item.

**c. Closed Session:**

(1.) **Labor negotiations** with all of the City bargaining units. (Gov't Code Section 54957.1(a)(6).)

(2.) **Threat of litigation** (Gov't Code Section 54956.9(b)(3)(A).)

**14. ADJOURNMENT:**

With no further business to transact, meeting adjourned at 8:55 p.m. to the next regular City Council meeting of Tuesday July 12, 2005, 7:00 p.m. at the Senior Center, at 1555 Crystal Springs Road.

**Respectfully submitted for approval  
at the regular City Council meeting  
of July 12, 2005.**

**Ed Simon, City Clerk**

**Larry Franzella, Mayor**